

**TRI-STATE RADIO PLANNING COMMITTEE
REGIONAL PLANNING UPDATE COMMITTEE
800MHz
FCC-REGION 8**



Peter Meade, Chairman
Assistant Fire Marshal
Fire & Rescue Services
Nassau County Fire Commission
140 15th Street
Mineola, NY 11501

EX PARTE – FILED ELECTRONICALLY

December 2, 2004

Ms. Marlene Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: September 28, 2004 Written Ex Parte Presentation of Lawrence R. Krevor, Vice President-Government Affairs, Nextel Communications Incorporated (“NEXTEL”) in regard to WT Docket No. 02-55

Dear Ms. Dortch,

The Tri-State Radio Planning Committee (FCC Region 8) serving Northern NJ, Southern NY and Southwestern Connecticut (“Region 8”) respectfully files the following comments in response to the above referenced Ex Parte presentation. Region 8 and the licensees they represent are concerned for the protection of public safety communications in the NPSPAC band during the transition process. Public safety systems are generally designed for operation based on minimum signal levels of -101/-104 dBm for portables and mobiles respectively.

Nextel claims the interference protection criteria for protecting Public Safety Class A receivers to a signal level of -101/-104 dBm for portables and mobiles respectively, was specifically designed for a post reconfiguration de-interleaved spectrum environment. While these levels were negotiated for post rebanding, they are in fact necessary to achieve a minimum mean signal level (50% reliability) in Public Safety Class-A receiver¹. This protection level is based on public safety’s need to meet its operational requirements using Class A receivers in the absence of CMRS interference.

Furthermore the NPSPAC (821-824/866-869 MHz) band is not interleaved with CMRS spectrum as is the Old Block spectrum beginning at 806/851 MHz. Region 8 is concerned that Public Safety licensees in the NPSPAC band must be protected during the transition. Protection

¹ TIA refers to a Class-A receiver as the high performance version

during the transition cannot be diminished from what is presently required for their systems. To do otherwise will result in a severe adverse impact upon public safety communications and the safety of public safety personnel and the public they serve.

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Nextel states that CMRS carriers cannot meet the -101/-104 dBm interference protection standards during the reconfiguration transition period, during which 800 MHz CMRS, public safety and private wireless channels will remain interleaved. Since the NPSPAC band is not interleaved with CMRS we feel this interference protection standard can be achieved in the NPSPAC band.

Nextel estimates their typical urban base station, for example would have to be reduced to a received signal level of about -61 dBm, which would in turn create significant coverage holes in their networks, and as a result, they allege, CMRS users will experience degraded service, dropped calls, and reduced 911 call reliability. Apparently the implication is that by maintaining their power levels, CMRS users should be able to call 911. However, with the consequence that 911 would be unable to communicate with first responders in the field because public safety systems, only being protected to -85/-88 dBm, 16dB below the receiver service levels required for their systems, would either be blocked or suffer severe interference.

We agree with Nextel's comments that the transition period interference protection standards should protect the operational integrity of public safety communications systems. The FCC is still required to obtain active participation of both NEXTEL and cellular licensees in mitigating their contribution to CMRS-public safety interference. We urge the Commission to clarify that interference protection for public safety is a priority at all times.

We note that although current NPSPAC licensees seem to be excluded from the text of the FCC order at paragraph 19², these 821-824/866-869 MHz licensees are clearly covered under the adopted Rules: § 22.970 and § 90.672. Therefore the NPSPAC licensees that we represent clearly deserve consideration and clarification in this matter.

In the Commission's Order, it was clear that the FCC intended to adopt a comprehensive and two-pronged solution to the 800 MHz interference issues that have and continue to plague Public Safety operations. This Order contained well-defined near-term "best practices" and interference definition and abatement procedures, as well as long-term rebanding as a solution to the core interference issues. Circumventing the interference protection levels essentially nullifies the near term solution – and clearly runs contrary to the Commission's intent³.

² "Under the rules adopted in this Order, desired signals from systems operating in the 806-816 MHz/851-861 MHz band segment that equal or exceed the threshold are entitled to protection from unacceptable interference"

³ REPORT AND ORDER, FIFTH REPORT AND ORDER, FOURTH MEMORANDUM OPINION AND ORDER, AND ORDER, Adopted: July 8, 2004 Released: August 6, 2004 Para. (4): "we conclude that the most effective solution to the public safety interference problem in the 800 MHz band is a Commission-derived plan, which is comprised of both long-term and short-term components. As the short-term vehicle by which we ensure a more effective response to the ongoing interference problem, we implement technical standards defining unacceptable interference in the 800 MHz band as well as procedures detailing who bears responsibility for

Thus, it is the recommendation of this RPC that rules specified at § 22.970 and § 90.672, as adopted in Commission's order, should stand.

In addition to clarifying interference protection for public safety, we urge the Commission not to allow further delay in this proceeding.

Respectfully submitted,



Peter W. Meade
Chairman, Region 8

cc: Mr. John Muleta, Chief, Wireless Telecommunications Bureau
Mr. Michael Wilhelm, Chief, Public Safety & Critical Infrastructure Division

abating this interference and what steps responsible parties must take.”, and Para. (10): “In the first prong of this Report and Order, we take a number of steps to provide for immediate abatement of interference to 800 MHz band public safety and other non-cellular systems: • We adopt a new, objective definition of “unacceptable interference,” for purposes of this proceeding only, to determine when public safety and other non-cellular 800 MHz band licensees are entitled to interference protection. • We assign strict responsibility for eliminating unacceptable interference to the ESMR or cellular telephone operator(s) implicated in the interference occurrence, and assign joint responsibility to all involved commercial operators if unacceptable interference results from a combination of signals from multiple systems. • We require ESMR and cellular telephone licensees, on request, to notify public safety and CII licensees prior to activating new or modified cells, and require public safety and CII licensees receiving such information to notify ESMR and cellular telephone licensees of changes in system parameters”.